

April 27, 2017

Regional Freedom of Information Officer  
U.S. EPA, Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202

Re: *Widefield PCE Site, Colorado Springs and Security, Colorado*

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the United States Environmental Protection Agency's ("EPA") FOIA regulations, 40 C.F.R. Part 2, Guardian Life Insurance of America ("Guardian Life") by and through its counsel, McGuireWoods LLP, hereby requests the release of all documents and information associated with possible groundwater contamination and remediation at the Widefield PCE site ("Site") located in Colorado Springs and Security, Colorado. We request the following information:

1. The Flour Daniel-GTI 1997 Phase II subsurface assessment at King's One Hour Cleaners.<sup>1</sup>
2. All 104(e) correspondence with Potentially Responsible Parties (PRP), including any responses from the PRPs.
3. All 122(e) Special Notice Letters to PRPs, including any responses from the PRPs.
4. All settlement agreements relating to environmental contamination at the Site, including but not limited to Administrative Orders on Consent, Consent Decrees, and consent judgments.

For purposes of these requests, "document" refers to any electronic, written, graphic, video, or audio matter, however produced or reproduced, whether draft or final versions, and including but not limited to correspondence, e-mails, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, telephone message logs or slips, PowerPoint presentations, meeting agendas, transcripts, call lists, spreadsheets, maps, photographs, data compilations, indices, privilege logs, or calendars.

---

<sup>1</sup> There have been numerous requests to Colorado Department of Public Health and Environment for this assessment and we have been informed that they do not have this information.

In responding to these requests, EPA's search should encompass, but should not be limited to: (a) documents sent to or from e-mail addresses used by current or former EPA employees and representatives, regardless of whether such addresses are private or secondary addresses of official addresses; (b) documents generated for any meeting which EPA participated or conducted, including agendas, spreadsheets, PowerPoint presentations, and notes; and (c) documents relating to or evidencing presentations made by any party to agencies or entities other than EPA.

With respect to these requests, EPA need not provide Guardian Life with duplicative copies of documents to the extent the same document is located in more than one location. EPA should, however, produce *in toto* any document and its accompanying attachments.

### FOIA Exemptions

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information to appeal the denial. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F). To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, addressees and recipients, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for the denial, including identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions, identify and describe the withheld portions, specify the applicable exemption, and provide the remainder of the record. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F), (b).

### Timing and Mechanics of Production

We request that in responding to this letter, EPA comply with all relevant deadlines and other obligations set forth in FOIA and EPA's regulations, and we look forward to receiving your response within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 40 C.F.R. § 2.104(a). Please produce records on a rolling basis; the search for—and deliberation concerning—certain documents should not delay the production of others that the EPA has already retrieved and could turn over. Please note that Guardian Life is interested in working with the EPA to ensure that the burden associated with this FOIA request is minimized to the extent practicable, including discussing phased or prioritized document productions.

We prefer to receive electronic documents, and not paper copies, whenever possible. To the extent possible, we request that EPA provide the requested information in searchable,

Regional Freedom of Information Officer  
April 27, 2017  
Page 3

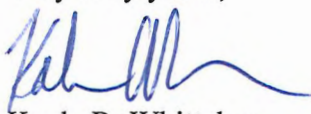
electronic format on CD, DVD, or external hard drives of sufficient size to contain the production. Electronic files should be provided in their original format, not in PDF containers. Individual e-mails, and their attachments, should be maintained as single msg files. If this is not possible, then e-mails and their attachments should be provided in either PST or NSF containers, thereby preserving all attachments information.

We understand that there may be fees and costs associated with this request, and we agree to pay any fees or costs up to \$200.00 associated with making these materials available to us. If the costs will be in excess of \$200.00, please advise me before such costs are incurred.

In responding to the present letter, please mail copies of all requested documents, indices and logs, and any invoice for reasonable FOIA fees to the undersigned.

Thank you for your assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Keola R. Whittaker', is written over a light blue rectangular background.

Keola R. Whittaker